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MAR 27 2024

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY deramus DEPUTY CLERK

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re:

MASSOUD HAJNABI,

Debtor.

Case No. 8:22-bk-11359-TA

Chapter 13

Adv. No. 8:22-ap-01095-TA

MASSOUD HAJNABI,

Plaintiffs,

v.

**ORDER RE ABSTENTION AS TO THE
REMAINING DEFENDANTS**

Date: February 29, 2024
Time: 2:00 p.m.
Ctrm.: 5B

RODGER OYE; THE OWENS TRUST #279;
VECCHIO REAL ESTATE CORPORATION;
JOHN RAMPELLO; U.S. BANK TRUST
NATIONAL ASSOCIATION, NOT IN ITS
INDIVIDUAL CAPACITY BUT SOLELY AS
COLLATERAL TRUST TRUSTEE OF
FIRST KEY MASTER FUNDING 2021-A
COLLATERAL TRUST; SELECT
PORTFOLIO SERVICING INC.; AND
NATIONAL DEFAULT SERVICING
CORPORATION,

Defendants.

ORDER RE: ABSTENTION

At the above-referenced date and time, the Court held (1) a hearing on the *Motion for Summary Judgment or, in the Alternative, Summary Adjudication* (the “MSJ”) filed by plaintiff Massoud Hajnabi on January 2, 2024 (docket no. 98); and (2) a continued hearing on the *Motion to Dismiss First Amended Complaint for Violation of the Automatic Stay 11 U.S.C. § 362, Declaratory Relief, Injunctive Relief* (the “Motion to Dismiss”) filed by defendant U.S. Bank Trust National Association, not in its individual capacity but solely as collateral trust trustee of First Key Master Funding 2021-A Collateral Trust and Select Portfolio Servicing, Inc. on January 4, 2024 (docket no. 104) which motion was joined by the remaining defendants to this action. All appearances were entered on the record. In anticipation of the hearings on both the MSJ and the Motion to Dismiss, the Court issued a tentative ruling. A true and correct copy of the tentative ruling has been filed as Docket no. 137.

Having considered the MSJ and Motion to Dismiss and related pleadings, the record in this case, the pleadings and papers filed by the parties to this adversary, the arguments of counsel, and good cause appearing,

IT IS ORDERED that, for the reasons stated in the tentative ruling, which the Court adopts as its final ruling, the Court abstains from hearing the case as to all remaining defendants.

IT IS FURTHER ORDERED that the Court’s ruling encompasses only that of abstention, and the Court makes no factual or legal determinations as it relates to the MSJ.

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Date: March 27, 2024



Theodor C. Albert
United States Bankruptcy Judge